

MISSISSIPPI STATE BOARD OF CONTRACTORS

Amendment to Rules and Regulations—Residential Builders and Remodelers—30 Miss. Admin. Code Pt. 803, R. 1.1(p) & 3.4

Title 30: Professions and Occupations—Board of Contractors

Part 803: Residential Builders and Remodelers

Part 803 Chapter 1: Licensing

Rule 1.1 Application for License.

1. An applicant for a License or Renewal thereof shall observe the following requirements:
 - a. Licenses or any renewals thereof may be issued at any time during the course of a calendar year by the Executive Director after his determination that the applicant has satisfied all statutory and other requirements prerequisite to the issuance of a license or a renewal thereof.
 - b. An application must be filed on a form provided by the Board. No substitute will be accepted.
 - c. The Board's application form must be completed in ink or with a typewriter. Only one copy need be filed.
 - d. All questions must be answered. All schedules must be completed. Write “None” where applicable. No application will be considered unless it is completed as directed on the Board's form.
 - e. Additional information including supplementary or explanatory notes considered necessary may be furnished by inserting schedules where needed.
 - f. All signatures must be affixed where called for and notarized where indicated.
 - g. An applicant for a residential remodeler's license may seek licensing for a subclassification to be known as a residential roofer. For this subclassification, there shall be administered a separate roofer's examination and the residential remodeler's license shall be clearly marked that it only licenses the holder as a residential roofer.
 - h. A check in the amount of Fifty Dollars (\$50.00), representing the initial license fee, made payable to the State Board of Contractors should accompany the application but may be submitted separately. A check in the amount of One Hundred Dollars (\$100.00) made payable to the State Board of Contractors, shall accompany all requests for renewal of licenses. No application will be acted upon until such check is received.
 - i. The privilege tax levied under this Chapter is an annual tax. The licensee is under a duty to

renew his license annually, and the failure to the Board to notify the licensee holder as to the date of the expiration shall not excuse the licensee from renewing his certificate and paying the annual tax.

j. An applicant shall provide a certificate of insurance evidencing current workers' compensation insurance, if applicable, and a federal employment identification number or social security number of the person making application.

k. An applicant for a residential builder or remodeler's license, or renewal thereof, shall provide a copy of a certificate of insurance evidencing current coverage for general liability purposes. The Mississippi State Board of Contractors shall be listed on the policy of the insured to be notified if there is cancellation of coverage. Liability insurance shall not be required for inactive licensees.

l. A foreign corporation or a corporation domiciled outside the State of Mississippi must qualify to do business in this State with the office of the Secretary of State and provide the Board with a Certificate attesting to such qualification. (Applicants may contact the office of the Secretary of State by mail to Post Office Box 136, Jackson, Mississippi 39205, or by telephone at 601/359-1350.

m. An applicant for a license must pass the applicable written examination with a grade of at least 70%.

n. The Board will hold examinations at locations and times to be determined by the Board. Applicants will be notified of the time and place of the examination.

o. A licensee of another state who desires to obtain a license duly issued and authorized by this Chapter shall be exempt from taking the written examination provided the Board determines that the requirements for a license in the foreign state are equivalent to such examination in this state and provided that the foreign state in question extends the same privilege to Mississippi licensees.

p. If a license is revoked, lost, mutilated or destroyed, a new license may be issued, through the Board's discretion, upon receipt of a written request from the licensee stating the reason for the request, the license number and check in the amount of Twenty-Five Dollars (\$25.00).

2. Should any information contained in any application or presented at any oral interview for a license be found by the Board to be false, such license so issued or application being considered shall thereupon be terminated and withdrawn. No licensee or applicant submitting such information shall be issued a renewal of or an initial license until a period of five (5) years has expired after the date of such termination or withdrawal.

3. Any corporation or other legal business entity holding a valid license shall immediately notify the Board of any change of name or corporate structure by filing an application with the Executive Director of the Board outlining the specific change and the impact on the status of the entity. A fee of \$ 50.00 shall accompany each application filed pursuant to this rule.

4. A licensee may change the status of his/her license from active to inactive by notifying the Board, in writing, returning the license to the Board, and submitting a check in the amount of Twenty Five Dollars (25.00). To reactivate an inactive license, the licensee must notify, in writing, the Board of his/her intentions to reactivate the license, submit the above referenced fee and provide proof of current workers' compensation and liability insurance where applicable.

Source: Miss Code Ann. § 73-59-5.

1.2 Display of Building Permit.

Once a building permit is issued to a residential builder or remodeler, or the holder of a certificate of responsibility by a municipal or county building official, or any other authority charged with the duty of issuing local building permits, such licensed residential builder or residential remodeler or holder of a certificate of responsibility shall exhibit a sign at the permitted job site which shall include, prominently displayed in lettering at least two (2) inches high and twelve (12) inches wide, the license or certificate of responsibility number of the residential builder or residential remodeler or holder of the certificate of responsibility and the State issuing it.

Source: Miss Code Ann. § 73-59-11(f)

1.3 Liability Insurance Disclosure Statement.

The holder of a valid license as a residential builder, remodeler or roofer as defined in Miss. Code. Ann. §§ 73-59-1 and 73-59-3 shall provide written disclosure at the time of contracting to the person with whom the licensee is contracting as to the requirement to carry general liability insurance. This disclosure shall be placed on the contracting document immediately before the space reserved on the document for the signature of the purchaser, shall be in bold and conspicuous type with a font size larger than the font appearing on the remainder of the contract, and shall be in words as follows:

Mississippi law requires that I inform you that I DO carry general liability insurance insuring my work under this contract. The name of the insurer is _____, and the policy number is _____. By your signature below, you signify your understanding and acknowledgement of this fact.

Source: Miss Code Ann. § 73-59-11(f)

Part 803 Chapter 2: Charges of Misconduct and Disciplinary Action

Rule 2.1 Complaint and Hearing Procedures

1. The Standing Committee on Residential Builders and Remodelers (“Standing Committee”) and the Mississippi State Board of Contractors (“Board”) shall act in accordance with the following procedures after receiving a sworn complaint about a residential builder or remodeler:

a. When the Board receives sworn charges as set forth in Miss. Code Ann. § 73-59-13(2), the Board shall deliver to the accused a letter, via regular mail, outlining the charges

and requesting the accused to respond, in writing, to the charges within ten (10) days after receipt of the letter.

b. If the accused fails to respond timely, the Board shall deliver to the accused a second letter, via certified mail, return receipt requested, outlining the charges and requesting the accused to respond, in writing, to the charges within ten (10) days after receipt of the letter.

c. If the accused responds timely to either letter set forth above, the Board shall investigate the matter and may issue a formal complaint and Notice of Hearing against the accused and cause a hearing to be held as set forth in Miss. Code Ann. § 73-59-13(2) and these rules.

d. If the Board determines that there is reasonable cause to believe a complaint is valid and not frivolous, it shall proceed with an appropriate investigation. Subsequent to the investigation and in the Board’s discretion, the Board shall cause a hearing to be held concerning the charges against the licensee. If the Board determines that such a hearing is necessary, a copy of the complaint and notice of hearing shall be served upon the licensee in person or by certified mail at the licensee’s last known address, not less than thirty (30) days prior to the date for the scheduled hearing. The Board shall render a decision within ninety (90) days of the close of the hearing and a copy of such written decision shall be presented to each party in person or by certified mail at their last known address. In any event, all requirements pertaining to hearings set forth in Miss. Code Ann. § 73-59-13, as amended, shall be followed.

e. If the accused fails to respond timely to the second letter, then the Board shall deliver to the accused a formal Complaint along with a Notice of Hearing requesting the accused to respond to the charges and setting a hearing date no less than thirty (30) days from the date of service. The Notice of Hearing shall include the date and location of the hearing along with a requirement that the accused contact the Board no later than fifteen (15) days prior to the hearing to schedule a specific time for appearance at the hearing. Failure to contact the Board to schedule a specific time for appearance may result in the accused being heard only after all other scheduled matters have been addressed or not being heard on that scheduled date.

f. If the accused fails to respond timely to the formal Complaint, then the Standing Committee and the Board may consider the charges set forth therein and all other available evidence in determining whether the accused is guilty of the charges filed. In

the event the Board finds the accused guilty of the charges filed, it may impose any of the penalties set forth in Miss. Code Ann. § 73-59-13(5).

g. Any request for a continuance must be made in writing and presented to the Chair of the Standing Committee at least fifteen (15) days prior to the scheduled hearing or, upon good cause shown, at any time prior to the hearing. Continuances will not be routinely granted. Instead, a party must show substantial, legitimate grounds for a continuance. Where scheduling conflicts are the basis for requesting a continuance, the party shall provide written proof of such conflicts in a timely manner as set forth herein.

h. The Board shall notify the accused of any decision as set forth herein according to Miss. Code Ann. § 73-59-13(4). The accused shall have the right to appeal this decision as set forth in Miss. Code Ann. § 73-59-13(11).

2. All complaints and/or charges against a licensee shall be submitted to the Board on the proper forms provided by the Board.

3. All Board members shall refrain from formal interviews and/or comments in connection with a pending charge or complaint submitted to the Board.

4. Licensee shall within seven (7) days after final judgment, notify the Board of any adverse court decision in which the licensee was included.

Source: Miss. Code Ann. §§ 25-43-3.101 - 25-43-3.115 (1972).

Rule 2.2 Administrative Penalties

1. If the Standing Committee on Residential Builders and Remodelers determines that a civil penalty should be assessed for a violation of law, then it shall consider at a minimum the following factors in determining the amount of the civil penalty:

a. The willfulness of the violation;

b. Any cost of restoration or abatement;

c. Any economic benefit to the violator as a result of noncompliance;

d. The seriousness of the violation, including any harm to the complainant or the public; and

e. Any prior violation by the violator.

2. Failure to adhere to the rules and/or regulations of the Board shall constitute grounds for suspension or revocation and, in the Board's discretion, monetary penalties pursuant to statutory authority.

Source: Miss. Code Ann. § 73-59-13.

Part 803 Chapter 3: General Rules

Rule 3.1 Board Meetings

If a regular or special meeting of the Board has been recessed to reconvene on a day and time fixed and ordered by the Board and entered upon its minutes, the recessed meeting thus held on the subsequent date shall be considered a part of and continuation of the regular meeting or special meeting, as the case may be, the same as if actions and proceedings then taken had been taken at the initial regular meeting date or special meeting date and any action authorized on such an initial date may be taken or continued and passed upon at the later date or dates.

Source: Miss. Code Ann. § 73-59-11(f).

Rule 3.2 Executive Director

Neither the Executive Director, individually, nor the surety of his official bond shall be held financially liable or responsible for any action taken by the Executive Director when he is acting under direct instructions from the Board as shown by the minutes of the Board.

Source: Miss. Code Ann. § 73-59-11(f).

Rule 3.3 Miscellaneous

1. Any of the foregoing Rules and Regulations of the Board shall not apply to contracts involving federal funds if in violation of federal requirements.
2. Any of the foregoing Rules and Regulations of the Board may be suspended and/or modified by a majority vote of the State Board of Contractors unless such suspension or modification is inconsistent with the general laws governing the Board and its operation. Such change or modification shall be made in accordance with the provisions of the Mississippi Administrative Procedures Law, Section 25-43-1 through 25-43-19, as amended.
3. If any provision of any section of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions of that section or application of the Rules and Regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these Rules and Regulations are declared to be severable.
4. Anyone may obtain public information from, or make submissions or requests to, in writing or orally, the Executive Director of the Board, whose office is located at 2001 Airport Road, Suite 101, Jackson, MS 39208, telephone no. (601) 354-6161, during regular office hours between 8 a.m. and 5 p.m. Monday through Friday.

5. These Rules and Regulations shall become effective thirty (30) days after promulgation and filing with the Secretary of State.

Source: Miss. Code Ann. § 73-59-11(f).

Rule 3.4 Fee Schedule

The following is a list of all pertinent fees as charged by the Mississippi State Board of Contractors:

Commercial Application (1 classification)	\$200.00
Commercial License - Additional Classification	\$50.00
Commercial License Renewal	\$200.00
Commercial License Renewal – Late Fee	\$50.00
Commercial License – Name Change	\$50.00
Duplicate Commercial License Fee	\$50.00
Reciprocity/Verification of License	\$25.00
Residential Application	\$50.00
Residential License Renewal	\$100.00
Residential License Renewal – Late Fee	\$10.00
Residential Fee (To make license Inactive)	\$25.00
Residential Fee (To reactivate license)	\$25.00
Duplicate Residential License Fee	\$25.00
Request for Waiver of Exam	\$50.00
Request for Oral Examination	\$50.00
Request for Change in Qualifying Party	\$25.00
Public Information Requests (charge for copying records)	\$0.50/pg.
Public Information Requests (administrative time/shipping & handling)	\$25.00

Mailing List (all active contractors)	\$500.00
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Returned Check Fee	\$40.00
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Source: Miss. Code Ann. §§ 31-3-13(f) and 73-59-11(f).